

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

HOMEVESTORS OF AMERICA, INC.,	)	
	)	C.A. No. 22-1583-RGA
Plaintiff,	)	
	)	
v.	)	
	)	
WARNER BROS. DISCOVERY, INC.,	)	
	)	
Defendant.	)	

**FIRST AMENDED COMPLAINT**

Plaintiff HomeVestors of America, Inc. is commonly known as the We Buy Ugly Houses® people. As the largest homebuyer in the U.S., HomeVestors has spent decades building a brand and identity associated with helping homeowners with problematic houses using its WE BUY UGLY HOUSES family of trademarks. Millions of Americans are familiar with HomeVestors' brand and WE BUY UGLY HOUSES marks. HomeVestors runs a yearly contest for THE UGLIEST HOUSE OF THE YEAR and owns incontestable trademark registrations for this mark, which it has used since 2007. The yearly contest helps demonstrate how the franchisees of America's number one home buyer renovate the homes they buy and showcases one extreme home makeover as the winner.

Defendant Warner Bros. Discovery, Inc.'s new HGTV show—"Ugliest House In America"—is a home renovation contest and TV show that trades off of HomeVestors' trademarks. By using a confusingly similar name for a similar home renovation contest, Defendant's HGTV show is likely to confuse consumers, is harming HomeVestors' brand, infringing HomeVestors' trademark rights, and creating a false association between HomeVestors and Defendant's HGTV show. Because HGTV refused to respect HomeVestors' trademark rights,

despite repeated requests to do so, HomeVestors hereby files suit to stop Defendant from continuing to confuse the public and harm the HomeVestors brand.

## **I. PARTIES**

1. Plaintiff HomeVestors is a domestic corporation with its principal place of business in Dallas, Texas.

2. Defendant Warner Bros. Discovery, Inc. is a Delaware corporation with its headquarters located at 230 Park Avenue South, New York, New York 10003.

## **II. JURISDICTION AND VENUE**

3. This is an action for trademark infringement, unfair competition, and trademark dilution arising under 15 U.S.C. §§ 1114, 1125(a), and 1125(c). Accordingly, this Court has subject matter jurisdiction under 28 U.S.C. § 1331 and supplemental jurisdiction over state law claims under 28 U.S.C. § 1367.

4. Defendant is subject to personal jurisdiction in this district because Defendant is a Delaware corporation. In addition, Defendant has infringed, contributed to the infringement of, and/or actively induced others to infringe HomeVestors' trademarks in this district.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), in that a substantial part of the claims arose in this district and Defendant resides in this district for purposes of venue under 28 U.S.C. § 1391(c).

## **III. FACTUAL BACKGROUND**

### **A. HomeVestors Helps Homeowners**

6. HomeVestors is the largest homebuyer in the United States. Since its founding in 1996, HomeVestors' network of over 1,100 independently owned and operated franchises has purchased over 125,000 homes throughout the United States. HomeVestors' franchisees, who are

located in this District, 47 other states, and the District of Columbia, build businesses based on buying, rehabbing, selling, and holding residential properties.

7. Known as the We Buy Ugly Houses® people, HomeVestors strives to make a positive impact in each of its over 175 markets. HomeVestors was listed on the 2021 Inc. 5000, and has been listed on the prestigious Franchise Business Review's List of Top Franchises 11 times. HomeVestors has also been regularly recognized by Entrepreneur Magazine, including as a Top Growth Franchise and placed at number 36 on its annual Franchise 500. In 2020, Franchise Times ranked HomeVestors 94<sup>th</sup> on its Top 200 Franchise Chains by Worldwide Sales. This year, HomeVestors received a Top Overall Franchise Award from FranchiseHelp, the world's largest independent information resource for prospective franchisees.

8. HomeVestors' franchisees often renovate the houses they purchase before selling or renting them to others. Consequently, since at least 2000, HomeVestors has used the mark WE BUY UGLY HOUSES in connection with its franchising and real estate services.

9. Since 2007, HomeVestors has been using the mark THE UGLIEST HOUSE OF THE YEAR in connection with organizing and promoting contests for advertising purposes; promoting the sale of services of others by conducting contests, and in particular, promoting a home renovation contest.

10. HomeVestors' contest for THE UGLIEST HOUSE OF THE YEAR has received widespread recognition through social media and press coverage. For example:

HomeVestors® Names The Ugliest House of the Year® for 2022 -

<https://www.businesswire.com/news/home/20230208005627/en/>

The Ugliest House of the Year - <https://www.orlandomagazine.com/the-ugliest-house-of-the-year/>

HomeVestors Names The Ugliest House Of The Year® 2021 -

<https://www.businesswire.com/news/home/20220111005866/en/HomeVestors-Names-The-Ugliest-House-Of-The-Year%C2%AE-2021>

Meet America's 'Ugliest House of the Year'—and See How Gorgeous It Looks Today -

<https://www.mysanantonio.com/realestate/article/Meet-America-s-Ugliest-House-of-the-Year-and-15011194.php>

11. HomeVestors' yearly contest for THE UGLIEST HOUSE OF THE YEAR receives significant social media and press, including television news coverage.

12. While millions of Americans are familiar with HomeVestors' WE BUY UGLY HOUSES brand, many do not see the renovation and rehab work that HomeVestors' franchisees put into these houses. HomeVestors' yearly UGLIEST HOUSE OF THE YEAR contest helps bridge that gap.

13. As HomeVestors' CEO David Hicks has previously stated, "[m]any people may not have seen the actual hard work that the 'We Buy Ugly Houses' people do on the houses we buy, dealing with everything from rodent infestations and natural disasters to neglect and vandalism. The Ugliest House of the Year represents the best of the thousands of houses that were [seen as] hopeless by other buyers, but not by HomeVestors franchisees, who see potential and know-how to make it a reality. They don't just buy these houses, but they also labor to make these properties whole again."

14. The 2021 winner of HomeVestors' Ugliest House of the Year contest is one such example. When HomeVestors' franchisee Bernardo Mazzucco purchased the single-story ranch built in 1984, "it had enough junk to fill five dumpsters strewn inside and out accompanied by an



overwhelming smell inside that forced Mazzucco and his crews to rotate to help them endure it.”<sup>1</sup> The house was infested with “animals ranging from those with four to six and eight legs” and also had an “overgrown landscape [that] hid creepy finds like buried dolls in the backyard.”<sup>2</sup>

15. HomeVestors’ franchisee Mazzucco rehabilitated the house and transformed it into a home for a new family. Below are a few before and after photos of the home saved by a HomeVestors’ franchisee:



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<sup>1</sup> <https://www.yahoo.com/entertainment/homevestors-names-ugliest-house-2021-155500238.html>

<sup>2</sup> *Id.*





16. Importantly, HomeVestors' yearly contest relies on voting by the public. Each contest entrant shows their before and after photos, which helps demonstrate how HomeVestors' franchises help rehab homes in disrepair.

17. The following are examples of entrants for HomeVestors' 2022 "Ugliest House of the Year" contest:





## B. HomeVestors' Trademarks Rights

18. HomeVestors is also the owner of more than thirty United States Trademark Registrations for its UGLY family of marks (collectively, the "UGLY HOUSES Marks") identified on Exhibit A.

19. Among HomeVestors' federally registered UGLY HOUSES Marks are THE UGLIEST HOUSE OF THE YEAR (U.S. Reg. Nos. 5,304,576 and 5,304,577), WE BUY UGLY HOUSES (U.S. Reg. Nos. 2,761,385; 2,999,705; 3,099,814; 5,297,521; 5,560,021; 5,467,581), UGLY'S OK (U.S. Reg. No. 2,794,480), WE BUY THE GOOD, THE BAD AND THE UGLY (U.S. Reg. No. 3,307,918), THE GOOD, THE BAD AND THE UGLY (U.S. Reg. No. 3,350,752), UGLY OPPORTUNITIES (U.S. Reg. No. 4,313,868), UGLY HOUSE? (U.S. Reg. No. 5,172,916), WE BUY HOUSES, UGLY OR NOT (U.S. Reg. No. 5,919,518), and WE BUY HOUSES, THE GOOD, THE BAD AND THE UGLY (U.S. Reg. No. 5,919,520). *See* Certificate of Registrations attached hereto as Exhibit B.



20. As noted above, numerous HomeVestors' registrations for the UGLY HOUSES Marks have become incontestable and constitute conclusive evidence of the validity of the marks, HomeVestors' ownership of the marks, and its exclusive right to use the marks. This includes HomeVestors' registrations for THE UGLIEST HOUSE OF THE YEAR (U.S. Reg. Nos. 5,304,576 and 5,304,577).

21. HomeVestors and its franchisees invest significant amounts of time, money, and energy into promoting HomeVestors' services under the UGLY HOUSES Marks. In just the last 10 years, HomeVestors has spent over \$500 million in advertising and promoting the HomeVestors brand using the UGLY HOUSES Marks.

22. Only HomeVestors and its independently owned and operated licensed franchisees have the right to use HomeVestors' UGLY HOUSES Marks.

23. HomeVestors and its franchisees advertise their real estate-related services through print media, billboards, the Internet, social media, and on television and radio.

24. As a result of the extensive advertising and sales, the UGLY HOUSES Marks enjoy significant goodwill among relevant consumers.

25. Due to the longstanding use, extensive advertising, and widespread recognition among the consuming public, HomeVestors' WE BUY UGLY HOUSES mark, as well as HomeVestors' other UGLY HOUSES Marks, have become famous.

**C. Defendant's Wrongful Acts**

26. Defendant is a media and entertainment company that provides a portfolio of content through various brands and franchises across television, film, streaming and gaming. One of Defendant's brands is HGTV, which focuses on real estate, renovations, and home transformations.

27. Under its current leadership, Defendant has focused on providing more cost-effective media, including by cutting shows and movies with high costs of production.

28. For example, Defendant's CEO, who took over Defendant in 2006, has stated that "[t]he grand experiment of creating something at any cost is over."<sup>3</sup>

29. It has been reported that Defendant has "been cutting content costs across the company," including "scrapping the in-production Batgirl film [which had a budget of \$90M] and killing a number of high-profile series such as J.J. Abrams' HBO drama series *Demimonde*, which was reported to have a budget of mid-\$200M, as well as slashing series such as *The Big D*, *Chad* and others on the Turner networks side."<sup>4</sup> Joe Flint of *The Wall Street Journal*, who has covered Defendant's CEO for years, stated that "[t]here was a pivot under [Defendant's CEO] Zaslav and a pretty quick one to move these channels more towards lower-cost, unscripted reality shows."<sup>5</sup>

30. On information and belief, Defendant, including its HGTV brand, has focused more on unscripted reality shows to save costs.

31. Defendant's new HGTV show—"Ugliest House In America"—is one of those unscripted reality shows.

32. These reality "shows [are] also cheap to make, and for [Defendant's CEO] Zaslav that was a huge plus."<sup>6</sup>

33. On information and belief, Defendant's "Ugliest House In America" show is less expensive to make than scripted shows, in part, because they don't hire actors. Instead, they utilize

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<sup>3</sup> See, e.g., <https://deadline.com/2022/11/david-zaslav-warns-creating-content-any-cost-is-over-1235163009/>

<sup>4</sup> *Id.*

<sup>5</sup> <https://www.wsj.com/podcasts/the-journal/the-media-mogul-taking-an-ax-to-hollywood/c77c799a-5f0d-493f-a034-eb8a8b57e9d6>

<sup>6</sup> *Id.*

unpaid contestants with houses in need of renovation—the customer base of HomeVestors and its franchisees.

34. In June 2020, a representative from Big Fish Entertainment (“Big Fish”), a television production company, reached out to HomeVestors and stated that they were “working on a development series for HGTV and were on the hunt for homeowners of the ugliest houses in America.”

35. At the time, HGTV was casting for a new show, as shown below:<sup>7</sup>

## HGTV Now Casting Ugly-House Homeowners

**A**nnouncing nationwide casting for owners of houses that could use some *serious* help. Are you no stranger to crazy reactions when guests walk into your home? We'd like to hear from you. And see your pictures!

Big Fish Entertainment is now casting fun and dynamic “ugly house” homeowners from all over the country who own their house’s flaws and are in need of a major home renovation.

36. In June and July of 2020, Big Fish communicated with HomeVestors several times about the new HGTV show and opportunities for a mutually beneficial collaboration.

37. Big Fish indicated it wanted to collaborate with HomeVestors to recruit contestants for the competition. In other words, HomeVestors would act as a “lead generator” for Defendant, using HomeVestors’ extensive network and famous household brand to find homeowners needing home improvements and renovations.

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<sup>7</sup> [hgtv.com/shows/be-on-hgtv/hgtv-now-casting-ugly-house-homeowners](https://www.hgtv.com/shows/be-on-hgtv/hgtv-now-casting-ugly-house-homeowners)



38. Over the years, HomeVestors has curated a vast nationwide network for finding people who own houses in need of repairs, in part by spending hundreds of millions of dollars in advertising. Homeowners who want to sell a house in need of repairs or a remodel know to call HomeVestors, the people behind the UGLY HOUSES Marks.

39. Thus, upon information and belief, Big Fish initiated discussions with HomeVestors with the goal of entering into an agreement that would allow Defendant to use the HomeVestors franchise network, the UGLY HOUSES Marks, and HomeVestors' extensive advertising to find and funnel homeowners to Defendant as potential contestants for its show.

40. Upon information and belief, Big Fish and/or Defendant contemplated that this relationship with HomeVestors would include some form of compensation or other valuable consideration, such as in-kind advertising within the show, in exchange for HomeVestors directing these homeowners to Defendant to be featured contestants instead of distributing these seller leads within its own franchise network.

41. But on August 4, 2020, Big Fish told HomeVestors that "[b]ecause our initial casting was a development step and things are shifting constantly, we'd like to put this conversation on hold." Big Fish then told HomeVestors that "[i]f and when we have a clear direction moving forward we will pick the conversation back up."

42. On information and belief, as of August 4, 2020, both Defendant and Big Fish knew that they would cast and launch a show that infringed HomeVestors' trademarks. Further, on information and belief, Defendant determined it would be cheaper not to work with HomeVestors as a lead generator or in the show's production, and instead unlawfully profit off HomeVestors' goodwill. By infringing HomeVestors' UGLY HOUSES Marks, Defendant could attract the

contestants it needed – people owning houses in need of repair or renovation – without any compensation to HomeVestors.

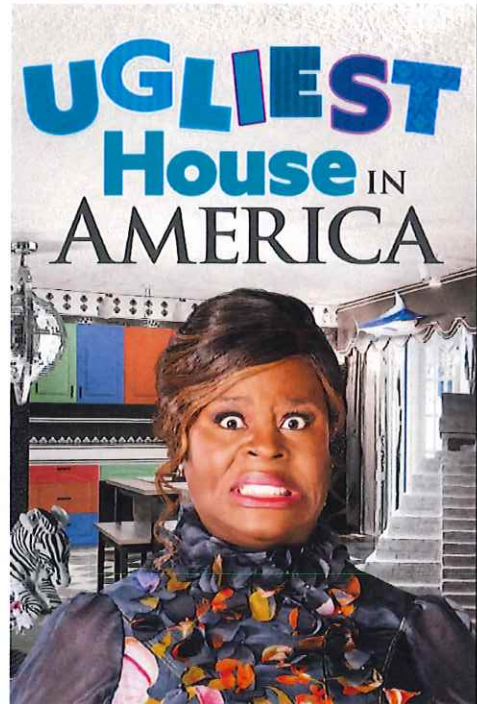
43. Then, without further discussion, Defendant launched a televised home renovation contest with a nearly identical name as HomeVestors’ established home renovation contest, THE UGLIEST HOUSE OF THE YEAR.

44. In 2022, Defendant premiered “Ugliest House in America” on its HGTV network.

45. The show chronicles comedian Marietta Sirleaf, professionally known as Retta, as she “travels across the country to tour properties nominated by their owners as the ugliest homes around.”

46. In its advertising and promotion of the show, Defendant emphasizes UGLY and UGLIEST HOUSE.

47. Defendant is also using #UGLIESTHOUSEINAMERICA in its promotions.



48. Below are several examples of Defendant’s advertising of its show in which it emphasizes the words UGLIEST HOUSE:





49. In 2022, Defendant also ran a contest coinciding with the premiere of the show entitled “HGTV’s UGLIEST \$5k GIVEAWAY.”

50. Similar to the advertising shown above, Defendant chose to once again emphasize the word UGLIEST.



51. Defendant has an economic motivation for publishing each of the advertisements and promotional items referenced above, which is to “sell” its television show to viewers.

52. Given the previous discussions with HomeVestors, Defendant was aware of HomeVestors’ UGLY HOUSES Marks before launching its new Ugliest House in America show.

53. Defendant’s show does not represent the values of the HomeVestors’ brand. Defendant’s show focuses on and mocks houses with odd design choices and their owners. Most of the shows are little more than making fun of homes and home design.

54. Defendant’s attempt to turn poor housing design into a comedy show reflects poorly on the homeowners and on the concept of home remodeling. This runs counter to HomeVestors’ brand image, which focuses on helping rehab homes that have fallen into disrepair and helping homeowners out of “ugly situations.”

55. In addition, instead of working with HomeVestors to find potential houses and contestants as Big Fish proposed, Defendant decided to bypass HomeVestors and instead use



HomeVestors UGLY HOUSES Marks to solicit contestants, stating, for example, that “Big Fish Entertainment is now casting fun and dynamic ‘ugly house’ homeowners.” Defendant is infringing HomeVestors’ UGLY HOUSES Marks and engaging in unfair competition to compete with HomeVestors and/or its franchisees through its solicitation of homeowners who might otherwise have contacted HomeVestors to sell their houses.

56. Accordingly, by using HomeVestors’ UGLY HOUSES Marks to solicit people who own houses in need of repair for its competition, Defendant is actively competing with HomeVestors’ franchisees for houses and homeowners—all while reaping the benefits of hundreds of millions of dollars in advertising.

57. In addition, consumers who watch the show are likely to be confused as to the affiliation of the HGTV show with HomeVestors. The show’s derision of people with houses in disrepair harms the brand reputation that HomeVestors has spent decades building. It also tarnishes the famous UGLY HOUSES Marks.

58. HomeVestors contacted Defendant via a letter dated January 19, 2022 to inform Defendant of HomeVestors’ concerns about its show. Specifically, HomeVestors told Defendant that it believed the new “Ugliest House in America” show on HGTV “will likely continue to cause confusion in the marketplace as to whether this TV show is related to, affiliated with, or sponsored by HomeVestors.”

59. In a response letter dated January 31, 2022 from Defendant’s lawyer, Defendant “acknowledge[d] that your client, HomeVestors of America, Inc. (“HomeVestors”) owns registrations at the United States Patent and Trademark Office for marks comprised of or consisting of the mark THE UGLIEST HOUSE OF THE YEAR.” However, Defendant refused to

take any steps to address consumer confusion or its infringement of HomeVestors' UGLY HOUSES Marks

60. HomeVestors wrote Defendant again on February 17, 2022, and again asked Defendant to stop using the confusingly similar UGLIEST HOUSE IN AMERICA mark in connection with its show. Specifically, HomeVestors told Defendant that its new show is a contest, "which is much closer to the services listed in the registration for HomeVestors' [THE UGLIEST HOUSE OF THE YEAR] mark." HomeVestors also told Defendant that the name of its show is "highly similar" to HomeVestors' yearly contest and registered trademarks. Further, HomeVestors told Defendant that "[g]iven the substantial similarity between the marks, we expect HomeVestors to suffer significant confusion in the marketplace if [Defendant's] use of the 'Ugliest House in America' mark continues, particularly if no remedial measures are taken."

61. Following receipt of HomeVestors' letters in January and February 2022, Defendant took no steps whatsoever to avoid damaging the HomeVestors' brand or to prevent consumer confusion. Instead, Defendant renewed the show for another season.

62. Due to Defendant's continued use of a confusingly similar mark, a Google search for UGLIEST HOUSE OF THE YEAR returns search results for Defendant's HGTV show "Ugliest House in America" near the top of the results.

63. A Google search for UGLIEST HOUSE (the dominant part of HomeVestors' mark and contest name) almost exclusively returns search results for Defendant's show.

64. Defendant is not affiliated with HomeVestors and does not have a license to use any of HomeVestors' UGLY HOUSES Marks. Defendant also does not have a license to use HomeVestors' THE UGLIEST HOUSE OF THE YEAR marks.

65. Defendant has not attempted to register the mark UGLIEST HOUSE IN AMERICA with the U.S. Patent and Trademark Office for its televised home renovation contest.

66. Defendant's show relies heavily on use of the words UGLY and UGLIEST in connection with HOUSE and HOUSES, even though there are many synonyms for both words that Defendant could have chosen to use.

67. On information and belief, Defendant also relies heavily on use of the words UGLY and UGLIEST in connection with HOUSE and HOUSES to solicit potential contestants for its reality show.

68. On information and belief, at least some of Defendant's show contestants would have been customers of one of HomeVestors' franchisees, but for Defendant's infringement and unfair competition.

69. Defendant could have used a different name for the show that did not use the phrase UGLIEST HOUSE.

70. Defendant has used and continues to use HomeVestors' UGLY HOUSES Marks or similar variations to advertise its home renovation television show, as well as to solicit contestants for its competition.

71. Defendant makes no effort to distinguish its show from the HomeVestors' UGLY HOUSES Marks through disclaimers or other distinguishing elements, even after being notified by HomeVestors that its use of nearly identical trademarks was likely to confuse consumers and harm the HomeVestors brand.

72. Thus, Defendant intentionally and explicitly misleads consumers as to the source and affiliation of HGTV's "Ugliest House In America" show and home renovation contest.



#### **IV. CLAIMS FOR RELIEF**

##### **A. COUNT I: Trademark Infringement Under the Lanham Act, 15 U.S.C. § 1114**

73. HomeVestors realleges and incorporates by reference the allegations set forth in all preceding paragraphs.

74. HomeVestors is the owner of valid and subsisting U.S. registrations for the UGLY HOUSES Marks identified above.

75. Defendant's wrongful and unauthorized use in commerce of the UGLY HOUSES Marks to promote, market, and advertise their home renovation television show contest constitutes trademark infringement under 15 U.S.C. § 1114, as it is likely to cause confusion, mistake or deception.

76. Defendant's intentional and willful infringement of the UGLY HOUSES Marks has caused, and will continue to cause, damage to HomeVestors, and is causing irreparable harm to HomeVestors for which there is no adequate remedy at law. Therefore, HomeVestors is entitled to injunctive relief against Defendant.

77. HomeVestors is entitled to recover Defendant's profits, its actual damages, and the costs of this action. HomeVestors is further entitled to recover treble damages and attorneys' fees under 15 U.S.C. § 1117, as this is an exceptional case due to Defendant's willful conduct.

##### **B. COUNT II: Unfair Competition Under the Lanham Act, 15 U.S.C. § 1125**

78. HomeVestors realleges and incorporates by reference the allegations set forth in the preceding paragraphs.

79. HomeVestors is the owner of valid U.S. registrations for the UGLY HOUSES Marks identified above.

80. The UGLY HOUSES Marks are distinctive marks that are associated with HomeVestors and exclusively identify HomeVestors' business and services.

81. Defendant has used, and continues to use, in commerce one or more words, terms, names, symbols, devices, designs and combinations thereof and/or false descriptions of origin that are likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with HomeVestors and/or as to the origin, sponsorship, or approval of the services and products and commercial activities of Defendant, and thus constitute trademark infringement, false designation of origin, and unfair competition with respect to the UGLY HOUSES Marks, in violation of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A).

82. The actions of Defendant described above have, at all times relevant to this action, been willful and intentional.

83. As a result of Defendant's actions, HomeVestors has been damaged and will continue to be damaged. HomeVestors is entitled to recover Defendant's profits, its actual damages, and the costs of this action. HomeVestors is further entitled to recover treble damages and attorneys' fees under 15 U.S.C. § 1117, as this is an exceptional case due to Defendant's willful conduct.

**C. COUNT III: Dilution under the Lanham Act, 15 U.S.C. § 1125**

84. HomeVestors realleges and incorporated by reference the allegations set forth in all proceeding paragraphs.

85. Based at least on the distinctiveness of the UGLY HOUSES Marks; the duration and extent of advertising featuring the UGLY HOUSES Marks; the geographic area in which HomeVestors franchisees advertise their real estate-related services under the UGLY HOUSES Marks; the nature of the trade channels used to market such real estate-related services under the

UGLY HOUSES Marks compared to the trade channels through which Defendant markets, intends to market, or is likely to market its services; the degree of public recognition of the UGLY HOUSES Marks; and HomeVestors' numerous federal registrations for the UGLY HOUSES Marks, the UGLY HOUSES Marks have become famous, as that term is used in Section 43(c) of the Lanham Act, and have been famous for years.

86. Defendant's actions described above, all occurring after the UGLY HOUSES Marks became famous, are likely to cause dilution of the famous UGLY HOUSES Marks in violation of Section 43(c) of the Lanham Act, 15 U.S.C.A. § 1125(c).

87. HomeVestors has sustained damage as a direct and proximate result of Defendant's dilution in an amount to be proven at trial.

**D. COUNT IV: Injury to business reputation; dilution under 6 DE Code § 3313**

88. HomeVestors realleges and incorporated by reference the allegations set forth in all proceeding paragraphs.

89. HomeVestors is the owner of all common law rights in Delaware for the UGLY HOUSES Marks identified above.

90. The UGLY HOUSES Marks are distinctive marks that are associated with HomeVestors and exclusively identify HomeVestors' business and services.

91. The UGLY HOUSES Marks have been used in Delaware since at least 2005.

92. Defendant has used, and continues to use, in commerce one or more words, terms, names, symbols, devices, designs and combinations thereof and/or false descriptions of origin that are likely to cause injury to the business reputation of HomeVestors and/or to dilute the distinctive quality of the UGLY HOUSES Marks, in violation of 6 DE Code § 3313.

93. As a result of Defendant's actions, HomeVestors has been damaged and will continue to be damaged unless Defendants are enjoined.

**PRAYER FOR RELIEF**

WHEREFORE, HomeVestors respectfully prays that the Court enter judgment in its favor on each and every claim for relief set forth above and award it relief against Defendant, including, but not limited to:

- (1) Actual, treble, and exemplary damages;
- (2) In accordance with 15 U.S.C. § 1116, issue a permanent injunction enjoining Defendant and Defendant's officers, agents, servants, employees, affiliates, contractors, and attorneys, and all persons in active concert or participation with Defendant from the acts described in this Complaint;
- (3) In accordance with 15 U.S.C. §§ 1117(a) and (d), award HomeVestors all of Defendant's profits from the aforesaid acts of trademark infringement and unfair competition;
- (4) In accordance with 15 U.S.C. § 1117(a), find this case to be exceptional in HomeVestors' favor and award HomeVestors its reasonable attorney's fees, costs, and expenses of this action;
- (5) In accordance with 6 DE Code § 3313, grant HomeVestors an injunction to enjoin Defendant from the acts described in this Complaint;
- (6) Award HomeVestors its costs and pre-judgment and post-judgment interest at the maximum allowable interest rate; and
- (7) Grant HomeVestors such other relief, at law or in equity, to which it is justly entitled.



OF COUNSEL:

HOLLAND & KNIGHT LLP  
Justin S. Cohen  
Justin.Cohen@hklaw.com  
Dina W. McKenney  
Dina.McKenney@hklaw.com  
One Arts Plaza  
1722 Routh St., Suite 1500  
Dallas, TX 75201  
214-969-1700

Tracy Zurzolo Quinn  
Tracy.Quinn@hklaw.com  
2929 Arch Street, Suite 800  
Philadelphia, PA 19104  
215-252-9522

Dated: March 17, 2023

/s/ Kelly E. Farnan




Kelly E. Farnan (#4395)  
Christine D. Haynes (#4697)  
Richards, Layton & Finger, P.A.  
One Rodney Square  
920 North King Street  
Wilmington, DE 19801  
(302) 651-7700  
farnan@rlf.com  
haynes@rlf.com


*Attorneys for Plaintiff  
HomeVestors of America, Inc.*

# EXHIBIT A

## EXHIBIT A

### HomeVestors' UGLY HOUSES Marks


MARK	REG. NO.	GOODS/SERVICES
THE UGLIEST HOUSE OF THE YEAR	5,304,576 (Incontestable)	IC 35. Organizing and promoting contests for advertising purposes; promoting the sale of services of others by conducting contests.
 The UGLIEST HOUSE Of The Year	5,304,577 (Incontestable)	IC 35. Organizing and promoting contests for advertising purposes; promoting the sale of services of others by conducting contests.
WE BUY UGLY HOUSES	3,099,814 (Incontestable)	IC 36. Real estate services, namely, real estate brokerage, and providing mortgage, title and home insurance brokerage services.
WE BUY UGLY HOUSES	2,999,705 (Incontestable)	IC 36. Real estate services, namely real estate acquisition, real estate brokerage services and real estate financing services.
 WE BUY UGLY HOUSES and make them NICE again	2,827,136 (Incontestable)	IC 35. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate.
 UGLY'S OK	2,797,429 (Incontestable)	IC 26. Ornamental novelty buttons.
UGLY'S OK	2,797,374 (Incontestable)	IC 35. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate.

MARK	REG. NO.	GOODS/SERVICES
UGLY'S OK	2,794,480 (Incontestable)	IC 35. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate.
UGLY HOUSE?	5,172,916	IC 35. Real estate sales management; sales promotion services; franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate. IC 36. Real estate services, namely, real estate brokerage, and providing mortgage, title and home insurance brokerage services; real estate services, namely, real estate acquisition, real estate brokerage services and real estate financing services; real estate consultation, management, brokerage, and leasing services; providing a web site for investors to access listings of real estate properties that are for sale
THE GOOD, THE BAD AND THE UGLY	3,350,752 (Incontestable)	IC 36. Real estate services, namely, purchase, finance, acquisition and brokerage of residential real estate properties for others.
WE BUY THE GOOD, THE BAD AND THE UGLY	3,307,918 (Incontestable)	IC 36. Real estate services, namely purchase, finance, acquisition and brokerage of residential real estate properties.
	3,128,574 (Incontestable)	IC 36. Real estate services, namely, real estate acquisition, real estate brokerage services, and real estate financing services.



MARK	REG. NO.	GOODS/SERVICES
WE BUY UGLY HOUSES	5,467,581	<p>IC 35. Real estate sales management, marketing, and advertising services; sales promotion services; franchising services, namely, offering business management assistance, consultation, and advisory services in establishing, operating, promoting, marketing, and developing franchised businesses in the fields of real estate, residential and commercial real estate, and residential real estate purchasing, residential real estate financing, and the selling of residential real estate.</p> <p>IC 36. Real estate acquisition services; real estate financing services; real estate consultation, management, and leasing services; evaluation and assessment of real estate; providing a website featuring information in the field of real estate and featuring listings of properties for sale for access by investors; providing real estate listings and real estate information; providing real estate listings and real estate information via the Internet; franchising services, namely, providing financial information and advice regarding establishing, operating, marketing, and developing franchised businesses in the fields of real estate, residential and commercial real estate, and residential real estate purchasing, residential real estate financing, and the selling of residential real estate.</p>
UG BUYS UGLY HOUSES	2,999,978 (Incontestable)	<p>IC 35. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate.</p>
UG BUYS UGLY HOUSES	2,935,916 (Incontestable)	<p>IC 36. Real estate services, namely, real estate acquisition, real estate brokerage services, and real estate financing services.</p>

MARK	REG. NO.	GOODS/SERVICES
UGLY OPPORTUNITIES	4,313,868 (Incontestable)	IC 35. Franchise consulting services, namely, consultation in connection with marketing and advertising of franchise businesses, franchise lead generation, strategic franchise planning, territory management and franchise sales; concept and brand development in the field of franchising; marketing and promotion of franchise sales services; business advisory and consulting services relating to franchise sales; broker referral services in the field of franchises.
UG SELLS UGLY HOUSES	4,786,527 (Incontestable)	IC 35. Real estate sales management; sales promotion services; providing web site for investors to access properties for sale. IC 36. Real estate services, namely, real estate brokerage, and providing mortgage, title and home insurance brokerage services; real estate services, namely, real estate acquisition, real estate brokerage services and real estate financing services; real estate consultation, management, brokerage, and leasing services; real estate sales, namely, real estate agency services and real estate listing.
WE SELL UGLY HOUSES	4,638,341 (Incontestable)	IC 035. Real estate sales management; sales promotion services; providing web site for investors to access properties for sale. IC 036. Real estate services, namely, real estate brokerage, and providing mortgage, title and home insurance brokerage services; real estate services, namely, real estate acquisition, real estate brokerage services and real estate financing services; real estate consultation, management, brokerage, and leasing services; real estate sales, namely, real estate agency services and real estate listing.

MARK	REG. NO.	GOODS/SERVICES
	4,881,433	<p>IC 35. Real estate sales management; sales promotion services; providing web site for investors to access properties for sale.</p> <p>IC 036. Real estate services, namely real estate brokerage, and providing mortgage, title and home insurance brokerage services; real estate services, namely, real estate acquisition, real estate brokerage services and real estate financing services; real estate consultation, management, brokerage, and leasing services; real estate sales, namely real estate agency services and real estate listing.</p>
#WEBUYUGLYHOUSES	5,297,521	<p>IC 35. Real estate sales management; sales promotion services; franchising services, namely offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate.</p> <p>IC 36. Real estate services, namely, real estate brokerage, and providing mortgage, title and home insurance brokerage services; real estate services, namely, real estate acquisition, real estate brokerage services and real estate financing services; real estate consultation, management, brokerage, and leasing services; providing a website for investors to access listings of real estate properties that are for sale.</p>

MARK	REG. NO.	GOODS/SERVICES
I BUY UGLY HOUSES	6,259,085	<p>IC 35. Real estate sales management, marketing, and advertising services; sales promotion services; franchising services, namely, offering business management assistance, consultation, and advisory services in establishing, operating, promoting, marketing, and developing franchised businesses in the fields of real estate, residential and commercial real estate, and in the fields of residential real estate purchasing, residential real estate financing, and the selling or leasing of residential real estate.</p> <p>IC 36. Real estate acquisition services; real estate financing services; real estate consultation, management, and leasing services; evaluation and assessment of real estate; providing a website featuring information in the field of real estate and featuring listings of properties for sale for access by investors; providing real estate listings and real estate information; providing real estate listings and real estate information via the Internet; franchising services, namely, providing financial information and advice regarding establishing, operating, marketing, and developing franchised businesses in the fields of real estate, residential and commercial real estate, and residential real estate purchasing, residential real estate financing, and the selling or leasing of residential real estate.</p>
SOLUTIONS FOR UGLY SITUATIONS	3,188,593 (Incontestable)	IC 36. Real estate services, namely real estate acquisition, real estate brokerage services and loan financing.
SOLUTIONS FOR UGLY SITUATIONS	3,185,390 (Incontestable)	IC 35. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate



MARK	REG. NO.	GOODS/SERVICES
SELL US YOUR UGLY HOUSE	5,919,522	<p>IC 35. Real estate sales management, marketing, and advertising services; sales promotion services; franchising services, namely, offering business management assistance, consultation, and advisory services in establishing, operating, promoting, marketing, and developing franchised businesses in the fields of real estate, residential and commercial real estate, and in the fields of residential real estate purchasing, residential real estate financing, and the selling or leasing of residential real estate</p> <p>IC 36. Real estate acquisition services; real estate financing services; real estate consultation, management, and leasing services; evaluation and assessment of real estate; providing a website featuring information in the field of real estate and featuring listings of properties for sale for access by investors; providing real estate listings and real estate information; providing real estate listings and real estate information via the Internet; franchising services, namely, providing financial information and advice regarding establishing, operating, marketing, and developing franchised businesses in the fields of real estate, residential and commercial real estate, and residential real estate purchasing, residential real estate financing, and the selling or leasing of residential real estate.</p>

MARK	REG. NO.	GOODS/SERVICES
WE BUY HOUSES, THE GOOD, THE BAD AND THE UGLY	5,919,520	<p>IC 35. Real estate sales management, marketing, and advertising services; sales promotion services; franchising services, namely, offering business management assistance, consultation, and advisory services in establishing, operating, promoting, marketing, and developing franchised businesses in the fields of real estate, residential and commercial real estate, and in the fields of residential real estate purchasing, residential real estate financing, and the selling or leasing of residential real estate.</p> <p>IC 36. Real estate acquisition services; real estate financing services; real estate consultation, management, and leasing services; evaluation and assessment of real estate; providing a website featuring information in the field of real estate and featuring listings of properties for sale for access by investors; providing real estate listings and real estate information; providing real estate listings and real estate information via the Internet; franchising services, namely, providing financial information and advice regarding establishing, operating, marketing, and developing franchised businesses in the fields of real estate, residential and commercial real estate, and residential real estate purchasing, residential real estate financing, and the selling or leasing of residential real estate.</p>

MARK	REG. NO.	GOODS/SERVICES
WE BUY HOUSES, UGLY OR NOT	5,919,518	<p>IC 35. Real estate sales management, marketing, and advertising services; sales promotion services; franchising services, namely, offering business management assistance, consultation, and advisory services in establishing, operating, promoting, marketing, and developing franchised businesses in the fields of real estate, residential and commercial real estate, and in the fields of residential real estate purchasing, residential real estate financing, and the selling or leasing of residential real estate.</p> <p>IC 36. Real estate acquisition services; real estate financing services; real estate consultation, management, and leasing services; evaluation and assessment of real estate; providing a website featuring information in the field of real estate and featuring listings of properties for sale for access by investors; providing real estate listings and real estate information; providing real estate listings and real estate information via the Internet; franchising services, namely, providing financial information and advice regarding establishing, operating, marketing, and developing franchised businesses in the fields of real estate, residential and commercial real estate, and residential real estate purchasing, residential real estate financing, and the selling or leasing of residential real estate.</p>

MARK	REG. NO.	GOODS/SERVICES
WE BUY UGLY HOUSES.COM	5,560,021	<p>IC 35. Real estate sales management, marketing, and advertising services; sales promotion services; franchising services, namely, offering business management assistance, consultation, and advisory services in establishing, operating, promoting, marketing, and developing franchised businesses in the fields of real estate, real estate investment, and the purchase, finance, and sale of real estate.</p> <p>IC 36. Real estate acquisition services; real estate financing services; real estate consultation, management, and leasing services; evaluation and assessment of real estate; providing a website featuring information in the field of real estate and featuring listings of properties for sale for access by investors; providing real estate listings and real estate information; providing real estate listings and real estate information via the Internet; franchising services, namely, providing financial information and advice regarding establishing, operating, marketing, and developing franchised businesses in the fields of real estate, real estate investment, and the purchase, finance, and sale of real estate.</p>



# Exhibit B

**Int. Cl.: 35**

**Prior U.S. Cls.: 100, 101 and 102**

**Reg. No. 2,761,385**

**United States Patent and Trademark Office**

**Registered Sep. 9, 2003**

**SERVICE MARK  
PRINCIPAL REGISTER**



HOMEVESTORS OF AMERICA, INC. (DELAWARE CORPORATION)  
11910 GREENVILLE AVENUE  
SUITE 300  
DALLAS, TX 75243

FOR: FRANCHISING SERVICES, NAMELY, OFFERING TECHNICAL ASSISTANCE IN ESTABLISHING, OPERATING, MARKETING AND DEVELOPING FRANCHISED BUSINESSES THAT PURCHASE, FINANCE AND SELL RESIDENTIAL REAL ESTATE, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-0-2000; IN COMMERCE 3-0-2000.

OWNER OF U.S. REG. NOS. 2,012,077, 2,689,569 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WE BUY UGLY HOUSES", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "WE BUY UGLY HOUSES." IN STYLIZED BLACK LETTERS. PLACED IMMEDIATELY BELOW THE WORDS IS AN ISOSCELES TRIANGLE OVERLAYING AND CENTERED BETWEEN TWO PARALLEL, RECTANGULAR COLUMNS ORIENTED VERTICALLY REPRESENTING THE CAPITAL LETTER "H" WITH A SMALL CIRCLE PLACED BELOW THE BASE OF THE TRIANGLE AND BETWEEN THE VERTICAL COLUMNS REPRESENTING A STYLIZED DOORKNOB, ALL SITUATED ON A RECTANGULAR SHADED BACKGROUND, FOLLOWED BY THE WORD "HOMEVESTORS" IN STYLIZED GREEN LETTERS, WITH THE ENTIRE MARK ALL SITUATED ON A YELLOW BACKGROUND, AND SUCH COLORS ARE CLAIMED AS A FEATURE OF THE MARK.

SER. NO. 76-453,610, FILED 9-30-2002.

ROBERT COGGINS, EXAMINING ATTORNEY

**Int. Cl.: 35**

**Prior U.S. Cls.: 100, 101 and 102**

**Reg. No. 2,761,385**

**United States Patent and Trademark Office**

**Registered Sep. 9, 2003**

**SERVICE MARK  
PRINCIPAL REGISTER**



HOMEVESTORS OF AMERICA, INC. (DELA-  
WARE CORPORATION)  
11910 GREENVILLE AVENUE  
SUITE 300  
DALLAS, TX 75243

FOR: FRANCHISING SERVICES, NAMELY, OF-  
FERING TECHNICAL ASSISTANCE IN ESTABLISH-  
ING, OPERATING, MARKETING AND  
DEVELOPING FRANCHISED BUSINESSES THAT  
PURCHASE, FINANCE AND SELL RESIDENTIAL  
REAL ESTATE, IN CLASS 35 (U.S. CLS. 100, 101 AND  
102).

FIRST USE 3-0-2000; IN COMMERCE 3-0-2000.

OWNER OF U.S. REG. NOS. 2,012,077, 2,689,569  
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "WE BUY UGLY HOUSES", APART  
FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "WE  
BUY UGLY HOUSES." IN STYLIZED BLACK LET-  
TERS. PLACED IMMEDIATELY BELOW THE  
WORDS IS AN ISOSCELES TRIANGLE OVERLAY-  
ING AND CENTERED BETWEEN TWO PARALLEL,  
RECTANGULAR COLUMNS ORIENTED VERTI-  
CALLY REPRESENTING THE CAPITAL LETTER  
"H" WITH A SMALL CIRCLE PLACED BELOW THE  
BASE OF THE TRIANGLE AND BETWEEN THE  
VERTICAL COLUMNS REPRESENTING A STY-  
LIZED DOORKNOB, ALL SITUATED ON A REC-  
TANGULAR SHADED BACKGROUND,  
FOLLOWED BY THE WORD "HOMEVESTORS" IN  
STYLIZED GREEN LETTERS, WITH THE ENTIRE  
MARK ALL SITUATED ON A YELLOW BACK-  
GROUND, AND SUCH COLORS ARE CLAIMED AS  
A FEATURE OF THE MARK.

SER. NO. 76-453,610, FILED 9-30-2002.

ROBERT COGGINS, EXAMINING ATTORNEY

Registered Sep. 9, 2003

**WE BUY  
UGLY HOUSES.**

ROBERT COGGINS, EXAMINING ATTORNEY

**Int. Cl.: 35**

**Prior U.S. Cls.: 100, 101 and 102**

**Reg. No. 2,794,480**

**United States Patent and Trademark Office**

**Registered Dec. 16, 2003**

**SERVICE MARK  
PRINCIPAL REGISTER**

**UGLY'S OK**

HOMEVESTORS OF AMERICA, INC. (DELA-  
WARE CORPORATION)  
11910 GREENVILLE AVENUE  
SUITE 300  
DALLAS, TX 75243

FOR: FRANCHISING SERVICES, NAMELY, OF-  
FERING TECHNICAL ASSISTANCE IN ESTABLISH-  
ING, OPERATING, MARKETING AND  
DEVELOPING FRANCHISED BUSINESSES THAT

PURCHASE, FINANCE AND SELL RESIDENTIAL  
REAL ESTATE, IN CLASS 35 (U.S. CLS. 100, 101 AND  
102).

FIRST USE 1-17-2003; IN COMMERCE 1-17-2003.

SER. NO. 76-491,304, FILED 2-20-2003.

CAROLINE WOOD, EXAMINING ATTORNEY



**Int. Cl.: 36**

**Prior U.S. Cls.: 100, 101 and 102**

**Reg. No. 3,099,814**

**United States Patent and Trademark Office**

**Registered June 6, 2006**

**SERVICE MARK  
PRINCIPAL REGISTER**

**WE BUY UGLY HOUSES**

HOMEVESTORS OF AMERICA, INC. (DELA-  
WARE CORPORATION)  
10670 N. CENTRAL EXPRESSWAY  
SUITE 700  
DALLAS, TX 75231

FOR: REAL ESTATE SERVICES, NAMELY, REAL  
ESTATE BROKERAGE, AND PROVIDING MORT-  
GAGE, TITLE AND HOME INSURANCE BROKER-  
AGE SERVICES, IN CLASS 36 (U.S. CLS. 100, 101  
AND 102).

FIRST USE 3-1-2000; IN COMMERCE 3-1-2000.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,689,569, 2,827,136  
AND OTHERS.

SEC. 2(F).

SER. NO. 76-637,606, FILED 5-2-2005.

AISHA CLARKE, EXAMINING ATTORNEY

**Int. Cl.: 36**

**Prior U.S. Cls.: 100, 101, and 102**

**Reg. No. 3,307,918**

**United States Patent and Trademark Office**

**Registered Oct. 9, 2007**

**SERVICE MARK  
PRINCIPAL REGISTER**

**WE BUY THE GOOD, THE BAD AND THE UGLY**

HOMEVESTORS OF AMERICA, INC. (DELA-  
WARE CORPORATION)  
10670 N. CENTRAL EXPRESSWAY, SUITE 700  
DALLAS, TX 75231

FOR: REAL ESTATE SERVICES, NAMELY PUR-  
CHASE, FINANCE, ACQUISITION AND BROKER-  
AGE OF RESIDENTIAL REAL ESTATE  
PROPERTIES, IN CLASS 36 (U.S. CLS. 100, 101 AND  
102).

FIRST USE 2-9-2007; IN COMMERCE 2-9-2007.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,689,569, 3,099,814,  
AND OTHERS.

SN 76-668,797, FILED 11-9-2006.

JOHN HWANG, EXAMINING ATTORNEY

**Int. Cl.: 36**

**Prior U.S. Cls.: 100, 101 and 102**

**Reg. No. 3,350,752**

**United States Patent and Trademark Office**

**Registered Dec. 11, 2007**

**SERVICE MARK  
PRINCIPAL REGISTER**

**THE GOOD, THE BAD AND THE UGLY**

HOMEVESTORS OF AMERICA, INC. (DELA-  
WARE CORPORATION)  
10670 N. CENTRAL EXPRESSWAY, SUITE 700  
DALLAS, TX 75231

FOR: REAL ESTATE SERVICES, NAMELY, PUR-  
CHASE, FINANCE, ACQUISITION AND BROKER-  
AGE OF RESIDENTIAL REAL ESTATE  
PROPERTIES FOR OTHERS , IN CLASS 36 (U.S.  
CLS. 100, 101 AND 102).

FIRST USE 3-2-2007; IN COMMERCE 3-2-2007.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 76-675,282, FILED 4-10-2007.

EDWARD NELSON, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

## UGLY OPPORTUNITIES

**Reg. No. 4,313,868**

**Registered Apr. 2, 2013**

**Int. Cl.: 35**

**SERVICE MARK**

**PRINCIPAL REGISTER**

HOMEVESTORS OF AMERICA, INC. (DELAWARE CORPORATION)  
SUITE 400  
6500 GREENVILLE AVENUE  
DALLAS, TX 75206

FOR: FRANCHISE CONSULTING SERVICES, NAMELY, CONSULTATION IN CONNECTION WITH MARKETING AND ADVERTISING OF FRANCHISE BUSINESSES, FRANCHISE LEAD GENERATION, STRATEGIC FRANCHISE PLANNING, TERRITORY MANAGEMENT AND FRANCHISE SALES; CONCEPT AND BRAND DEVELOPMENT IN THE FIELD OF FRANCHISING; MARKETING AND PROMOTION OF FRANCHISE SALES SERVICES; BUSINESS ADVISORY AND CONSULTING SERVICES RELATING TO FRANCHISE SALES; BROKER REFERRAL SERVICES IN THE FIELD OF FRANCHISES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 8-1-2011; IN COMMERCE 8-1-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-397,914, FILED 8-15-2011.

LINDA MICKLEBURGH, EXAMINING ATTORNEY



*Linda Mickleburgh*  
Acting Director of the United States Patent and Trademark Office

# United States of America

## United States Patent and Trademark Office

### UGLY HOUSE?

**Reg. No. 5,172,916**

**Registered Mar. 28, 2017**

**Int. Cl.: 35, 36**

**Service Mark**

**Principal Register**

HomeVestors of America, Inc. (DELAWARE CORPORATION)  
6500 Greenville Avenue, Suite 400  
Dallas, TX 75206

CLASS 35: Real estate sales management; sales promotion services; franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate

FIRST USE 4-26-2016; IN COMMERCE 4-26-2016

CLASS 36: Real estate services, namely, real estate brokerage, and providing mortgage, title and home insurance brokerage services; real estate services, namely, real estate acquisition, real estate brokerage services and real estate financing services; real estate consultation, management, brokerage, and leasing services; providing a web site for investors to access listings of real estate properties that are for sale

FIRST USE 4-26-2016; IN COMMERCE 4-26-2016

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 86-943,426, FILED 03-17-2016  
DREW MICHAEL SANDER, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office



# United States of America

## United States Patent and Trademark Office

#WEBUYUGLYHOUSES

**Reg. No. 5,297,521**

**Registered Sep. 26, 2017**

**Int. Cl.: 35, 36**

**Service Mark**

**Principal Register**

HomeVestors of America, Inc. (DELAWARE CORPORATION)  
6500 Greenville Avenue, Suite 400  
Dallas, TX 75206

CLASS 35: Real estate sales management; sales promotion services; franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate

FIRST USE 4-26-2016; IN COMMERCE 4-26-2016

CLASS 36: Real estate services, namely, real estate brokerage, and providing mortgage, title and home insurance brokerage services; real estate services, namely, real estate acquisition, real estate brokerage services and real estate financing services; real estate consultation, management, brokerage, and leasing services; providing a web site for investors to access listings of real estate properties that are for sale

FIRST USE 5-1-2016; IN COMMERCE 5-1-2016

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SEC.2(F)

SER. NO. 87-056,964, FILED 06-01-2016  
DREW M SANDER, EXAMINING ATTORNEY



*Joseph Matol*

Performing the Functions and Duties of the  
Under Secretary of Commerce for  
Intellectual Property and Director of the  
United States Patent and Trademark Office

# United States of America

## United States Patent and Trademark Office

### THE UGLIEST HOUSE OF THE YEAR

**Reg. No. 5,304,576**

**Registered Oct. 10, 2017**

**Int. Cl.: 35**

**Service Mark**

**Principal Register**

HomeVestors of America, Inc. (DELAWARE CORPORATION)  
6500 Greenville Avenue, Suite 400  
Dallas, TEXAS 75206

CLASS 35: Organizing and promoting contests for advertising purposes; promoting the sale of services of others by conducting contests

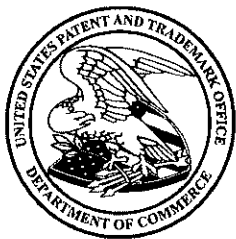
FIRST USE 10-15-2007; IN COMMERCE 10-15-2007

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:  
"HOUSE OF THE YEAR"

SEC.2(F)

SER. NO. 87-135,473, FILED 08-11-2016



*Joseph Matal*

Performing the Functions and Duties of the  
Under Secretary of Commerce for  
Intellectual Property and Director of the  
United States Patent and Trademark Office

# United States of America

## United States Patent and Trademark Office

THE  
UGLIEST  
HOUSE  
OF THE YEAR

**Reg. No. 5,304,577**

**Registered Oct. 10, 2017**

**Int. Cl.: 35**

**Service Mark**

**Principal Register**

HomeVestors of America, Inc. (DELAWARE CORPORATION)  
6500 Greenville Avenue, Suite 400  
Dallas, TEXAS 75206

CLASS 35: Organizing and promoting contests for advertising purposes; promoting the sale of services of others by conducting contests

FIRST USE 10-15-2007; IN COMMERCE 10-15-2007

The color(s) red, black and green is/are claimed as a feature of the mark.

The mark consists of the wording "THE UGLIEST HOUSE OF THE YEAR" in stylized font whereby the word "THE" appears in red and black and underlined in the same colors, the wording "UGLIEST HOUSE" appears in black and green and the wording "OF THE YEAR" appears in red and black.

No claim is made to the exclusive right to use the following apart from the mark as shown:  
"HOUSE OF THE YEAR"

SEC.2(F)

SER. NO. 87-135,476, FILED 08-11-2016



*Joseph Matal*

Performing the Functions and Duties of the  
Under Secretary of Commerce for  
Intellectual Property and Director of the  
United States Patent and Trademark Office

# United States of America

## United States Patent and Trademark Office

### WE BUY UGLY HOUSES

**Reg. No. 5,467,581**

**Registered May 15, 2018**

**Int. Cl.: 35, 36**

**Service Mark**

**Principal Register**

HomeVestors of America, Inc. (DELAWARE CORPORATION)  
Suite 400  
6500 Greenville Avenue  
Dallas, TEXAS 75206

CLASS 35: Real estate sales management, marketing, and advertising services; sales promotion services; franchising services, namely, offering business management assistance, consultation, and advisory services in establishing, operating, promoting, marketing, and developing franchised businesses in the fields of real estate, residential and commercial real estate, and residential real estate purchasing, residential real estate financing, and the selling of residential real estate

FIRST USE 3-1-2000; IN COMMERCE 3-1-2000

CLASS 36: Real estate acquisition services; real estate financing services; real estate consultation, management, and leasing services; evaluation and assessment of real estate; providing a website featuring information in the field of real estate and featuring listings of properties for sale for access by investors; providing real estate listings and real estate information; providing real estate listings and real estate information via the Internet; franchising services, namely, providing financial information and advice regarding establishing, operating, marketing, and developing franchised businesses in the fields of real estate, residential and commercial real estate, and residential real estate purchasing, residential real estate financing, and the selling of residential real estate

FIRST USE 3-1-2000; IN COMMERCE 3-1-2000

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SEC.2(F)

SER. NO. 87-586,753, FILED 08-28-2017



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

# United States of America

## United States Patent and Trademark Office

WE BUY UGLY HOUSES.COM

**Reg. No. 5,560,021**

**Registered Sep. 11, 2018**

**Int. Cl.: 35, 36**

**Service Mark**

**Principal Register**

HomeVestors of America, Inc. (DELAWARE CORPORATION)  
Suite 400  
6500 Greenville Avenue  
Dallas, TEXAS 75206

CLASS 35: Real estate sales management, marketing, and advertising services; sales promotion services; franchising services, namely, offering business management assistance, consultation, and advisory services in establishing, operating, promoting, marketing, and developing franchised businesses in the fields of real estate, real estate investment, and the purchase, finance, and sale of real estate

FIRST USE 10-28-2005; IN COMMERCE 10-28-2005

CLASS 36: Real estate acquisition services; real estate financing services; real estate consultation, management, and leasing services; evaluation and assessment of real estate; providing a website featuring information in the field of real estate and featuring listings of properties for sale for access by investors; providing real estate listings and real estate information; providing real estate listings and real estate information via the Internet; franchising services, namely, providing financial information and advice regarding establishing, operating, marketing, and developing franchised businesses in the fields of real estate, real estate investment, and the purchase, finance, and sale of real estate

FIRST USE 10-28-2005; IN COMMERCE 10-28-2005

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 3099814, 5297521, 2999705

SEC.2(F)

SER. NO. 87-767,091, FILED 01-23-2018



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office



# United States of America

## United States Patent and Trademark Office

WE BUY HOUSES, UGLY OR NOT

**Reg. No. 5,919,518**

**Registered Nov. 26, 2019**

**Int. Cl.: 35, 36**

**Service Mark**

**Principal Register**

HomeVestors of America, Inc. (DELAWARE CORPORATION)  
6500 Greenville Avenue, Suite 400  
Dallas, TEXAS 75206

CLASS 35: Real estate sales management, marketing, and advertising services; sales promotion services; franchising services, namely, offering business management assistance, consultation, and advisory services in establishing, operating, promoting, marketing, and developing franchised businesses in the fields of real estate, residential and commercial real estate, and in the fields of residential real estate purchasing, residential real estate financing, and the selling or leasing of residential real estate

FIRST USE 2-15-2019; IN COMMERCE 2-15-2019

CLASS 36: Real estate acquisition services; real estate financing services; real estate consultation, management, and leasing services; evaluation and assessment of real estate; providing a website featuring information in the field of real estate and featuring listings of properties for sale for access by investors; providing real estate listings and real estate information; providing real estate listings and real estate information via the Internet; franchising services, namely, providing financial information and advice regarding establishing, operating, marketing, and developing franchised businesses in the fields of real estate, residential and commercial real estate, and residential real estate purchasing, residential real estate financing, and the selling or leasing of residential real estate

FIRST USE 2-15-2019; IN COMMERCE 2-15-2019

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 3099814, 5467581, 2999705

SER. NO. 88-422,363, FILED 05-09-2019



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

# United States of America

## United States Patent and Trademark Office

WE BUY HOUSES, THE GOOD,  
THE BAD AND THE UGLY

**Reg. No. 5,919,520**

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FIRST USE 2-15-2019; IN COMMERCE 2-15-2019

CLASS 36: Real estate acquisition services; real estate financing services; real estate consultation, management, and leasing services; evaluation and assessment of real estate; providing a website featuring information in the field of real estate and featuring listings of properties for sale for access by investors; providing real estate listings and real estate information; providing real estate listings and real estate information via the Internet; franchising services, namely, providing financial information and advice regarding establishing, operating, marketing, and developing franchised businesses in the fields of real estate, residential and commercial real estate, and residential real estate purchasing, residential real estate financing, and the selling or leasing of residential real estate

FIRST USE 2-15-2019; IN COMMERCE 2-15-2019

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OWNER OF U.S. REG. NO. 3099814, 2999705, 3350752

SER. NO. 88-422,381, FILED 05-09-2019



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

**Int. Cl.: 36**

**Prior U.S. Cls.: 100, 101 and 102**

**Reg. No. 2,999,705**

**United States Patent and Trademark Office**

**Registered Sep. 27, 2005**

**SERVICE MARK  
PRINCIPAL REGISTER**

**WE BUY UGLY HOUSES**

HOMEVESTORS OF AMERICA, INC. (DELA-  
WARE CORPORATION)  
11910 GREENVILLE AVENUE  
SUITE 300  
DALLAS, TX 75243

OWNER OF U.S. REG. NOS. 2,689,569, 2,827,136  
AND OTHERS.

SEC. 2(F).

FOR: REAL ESTATE SERVICES, NAMELY REAL  
ESTATE ACQUISITION, REAL ESTATE BROKER-  
AGE SERVICES AND REAL ESTATE FINANCING  
SERVICES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

SER. NO. 76-556,516, FILED 10-17-2003.

FIRST USE 3-1-2000; IN COMMERCE 3-1-2000.

GINNY ISAACSON, EXAMINING ATTORNEY

## Murillo, Olga

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**From:** ded\_nefreply@ded.uscourts.gov  
**Sent:** Friday, March 17, 2023 1:41 PM  
**To:** ded\_ecf@ded.uscourts.gov  
**Subject:** Activity in Case 1:22-cv-01583-RGA HomeVestors of America, Inc. v. Warner Bros. Discovery, Inc. Amended Complaint

**Categories:** Olga

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U.S. District Court

District of Delaware

## Notice of Electronic Filing

The following transaction was entered by Farnan, Kelly on 3/17/2023 at 4:40 PM EDT and filed on 3/17/2023

**Case Name:** HomeVestors of America, Inc. v. Warner Bros. Discovery, Inc.

**Case Number:** [1:22-cv-01583-RGA](#)

**Filer:** HomeVestors of America, Inc.

**Document Number:** [14](#)

### Docket Text:

**First AMENDED COMPLAINT against Warner Bros. Discovery, Inc.- filed by HomeVestors of America, Inc.. (Attachments: # (1) Exhibit A-B)(Farnan, Kelly)**

**1:22-cv-01583-RGA Notice has been electronically mailed to:**

Aaron J. Moss amoss@greenbergglusker.com

Christine Dealy Haynes haynes@rlf.com, roughgarden@rlf.com

Dina W. McKenney Dina.McKenney@hklaw.com

Jennifer Ying jying@mnat.com, jyefiling@mnat.com

Joshua Geller jgeller@greenbergglusker.com, calendar@greenbergglusker.com

Justin S. Cohen justin.cohen@tklaw.com, iplitdocketing@hklaw.com

Kelly E. Farnan farnan@rlf.com, linda-loveless-5548@ecf.pacerpro.com, loveless@rlf.com

Michael J. Flynn mflynn@mnat.com, mjfefiling@mnat.com

**1:22-cv-01583-RGA Filer will deliver document by other means to:**

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**Document description:**Main Document

**Original filename:**n/a

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af99a0b5cc392dcfe85d251bb313236d037e9514c2ed3cf929b08eade4292]]

**Document description:**Exhibit A-B

**Original filename:**n/a

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